

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

ELON MUSK, *et al.*,

Defendants.

CASE NO. 2:24-cv-01581-RSL

ORDER OF DISMISSAL

This matter comes before the Court on the “Amended Report and Recommendation” of the Honorable David W. Christel, United States Magistrate Judge. Dkt. # 9. Judge Christel recommends that plaintiff’s proposed complaint be dismissed without prejudice and that his *in forma pauperis* (“IFP”) application be denied because plaintiff failed to submit the affidavit required by a 1992 Bar Order, he has not shown imminent danger of serious physical injury as required by 28 U.S.C. § 1915(g), and his claims are patently frivolous. Having reviewed the Report and Recommendation, plaintiff’s various responses thereto (Dkt. # 10-17), the 1992 Bar Order, and the remainder of the record, the Court finds as follows:

(1) Plaintiff’s motion to supplement the record with a memorandum to the United States Supreme Court, Dkt. # 10, is GRANTED. The document shall remain in the Court’s file, but plaintiff is advised that this filing will not bring the memorandum or the

1 arguments contained therein before the Supreme Court. Similarly, plaintiff's petition for a
2 writ of mandamus from the Ninth Circuit, Dkt. # 17, will remain in the Court's file but is
3 not thereby transmitted to or before the Court of Appeals.

4 (2) Plaintiff requests that unidentified Department of Corrections staff be held in
5 contempt of Court for failure to provide plaintiff with legal envelopes and that the Court
6 quash or otherwise invalidate infraction reports he receive in October 2024. The motions,
7 Dkt. # 11 and # 16, are DENIED.

8 (3) Plaintiff's motion to certify a purported constitutional question regarding
9 antitrust violations and/or unfair methods of competition to the United States Supreme
10 Court, Dkt. # 12, is DENIED, as are the attached requests that the undersigned consider the
11 merits of his complaint or otherwise allow his claims to proceed.

12 (4) Plaintiff's objections to the Report and Recommendation, Dkt. # 14, are
13 overruled.

14 (5) Plaintiff's new imminent danger assertions, Dkt. # 15, are unavailing. That
15 plaintiff, like the rest of the population, faces some risk of contracting COVID-19 does not
16 establish an imminent danger of serious physical injury.

17 (6) The Court adopts the Amended Report and Recommendation.

18 (7) Plaintiff's proposed complaint is DISMISSED without prejudice, his IFP
19 application is DENIED, and this case is closed.

20 (8) The Clerk is directed to send copies of this Order to plaintiff and to Judge
21 Christel.

22
23 DATED this 22nd day of November, 2024.

24 

25 Robert S. Lasnik
26 United States District Judge